

**Notice of Allowability**

Application No.

09/837,344

Examiner

N. M. Minnifield

Applicant(s)

GUERIN-MARCHAND ET AL.

Art Unit

1645

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/11/05 and 01/06/06.
2. ☒ The allowed claim(s) is/are 32, 35, 39, 42 and 43; now 1-5 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/098327.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **EXAMINER'S AMENDMENT**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2005 has been entered.

2. The amendment filed October 11, 2005 is acknowledged and has been entered. Claims 1-31, 33, 34, 36-38, 40 and 41 have been canceled. Claims 32, 35, 39 and 42 have been amended. Claims 32, 35, 39, 42 and 43 are now pending in the present application. All rejections have been withdrawn in view of Applicants' amendment to the claims. The rejection of claims 36, 37 and 40 under 35 U.S.C. 112, first paragraph (lack of enablement) has been withdrawn in view of the cancellation of claims 36, 37 and 40.

3. It is noted that Applicants initially elected the species of SEQ ID NO: 41 for examination. SEQ ID NO: 41 has been deemed allowable and Applicants' representative have requested that SEQ ID NO: 19, 42, 45 and 46 also be examined. The following amendments to the claims have been made to place the application in condition for allowance.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as

provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher L. North, 50433 on January 6, 2006 (voice mail).

5. The application has been amended as follows:

On page 1, line 1 of the specification replace the Cross-Reference information previously submitted with the following:

This application is a divisional of Application Serial No. 08/426,625 filed on June 5, 1995 now US Patent 6,319,502, which is a divisional of Application Serial No. 08/098,327 filed on November 24, 1993 now US Patent 6,270,771, which is a national stage filing under 35 U.S.C. 371 of International Application No. PCT/FR92/00104 filed on February 5, 1992, which International Application was not published by the International Bureau in English.

Amendments to the claims:

Claims 1-31 (Canceled).

Claim 32 (Currently Amended) A purified polypeptide comprising at least one T epitope from a liver-stage specific protein produced by *P. falciparum*, wherein ~~said T epitope has an~~ the amino acid sequence of said T epitope is selected from the group of the amino acid ~~sequence~~ sequences of SEQ ID NOS: ~~39-46~~ 41, 45 and 46.

Claims 33-34 (Canceled).

Claim 35 (Previously Presented) The polypeptide of claim 32, further comprising at least one B epitope from a liver-stage specific protein produced by *P. falciparum*.

Claims 36-38 (Canceled).

Claim 39 (Currently Amended) A synthetic polypeptide comprising at least one T epitope from a liver-stage specific protein produced by *P. falciparum*, wherein ~~said T epitope has an~~ the amino acid sequence of said T epitope is selected from the group of the amino acid ~~sequence~~ sequences of SEQ ID NOS: ~~39-46~~ 41, 45 and 46.

Claims 40-41 (Canceled).

Claim 42 (Currently Amended) An immunogenic composition directed against malaria comprising a molecule having one or more peptide sequences bearing all or part of one or more T epitopes resulting from the infectious activity of *P. falciparum* in hepatic cells, wherein said T epitope is selected from the group of: ~~an~~ the amino acid sequence of SEQ ID NOS: 19, 41, 42, 45 and 46 ~~39-42, an amino acid sequence of SEQ ID NOS: 43-46 and amino acid sequence of SEQ ID NO: 19.~~

Claim 43 (Currently Amended) An immunogenic composition directed against malaria comprising a molecule having one or more peptide sequences bearing all or part of one or more T epitopes resulting from the infectious activity of *P. falciparum* in ~~the~~ hepatic cells, wherein said T epitope is selected from the group of: ~~an~~ the amino acid sequence of SEQ ID NOS: 19, 41 and 45 ~~39-42, an~~

~~amino acid sequence of SEQ ID NOS: 43-46 and amino acid sequence of SEQ ID NO: 19.~~

6. The terminal disclaimer filed on May 10, 2005 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of 6319502 has been reviewed and is accepted. The terminal disclaimer has been recorded.

7. The terminal disclaimer filed on May 10, 2005 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of 6270771 has been reviewed and is accepted. The terminal disclaimer has been recorded.

8. Claims 32, 35, 39, 42 and 43 have been allowed and renumbered 1-5 respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is 571-272-0860. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette R.F. Smith can be reached on 571-272-0864. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "N. M. Mirmirfield".

Primary Examiner

Art Unit 1645

NMM

January 8, 2006